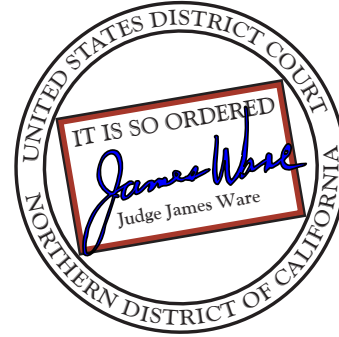


Counsel listed on next page



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC
Corporation; EMC CORPORATION, dba
EMC PERIPHERALS, INC., and DOES 1-X,

Defendants.

Case No. C04-2660 JW

**STIPULATION AND
ORDER TO FILE UNDER SEAL
EXCERPTS OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT PURSUANT TO
CIV. L.R. 7-11, 7-12, & 79-5**

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19 Mountain View, CA 94040

20 **Attorneys for Defendant**
EMC Corporation
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1 PURSUANT TO CIVIL LOCAL RULES 7-11, 7-12, and 79-5, Plaintiff David
2 Halterman and Defendant EMC Corporation (collectively, “the parties”) stipulate as follows:

3 WHEREAS, in this matter, the Court entered a Stipulated Protective Order (“the
4 Order”) on December 3, 2004;

5 WHEREAS, the Order requires in paragraph 9 that:

6 In the event that any Confidential Information . . . is filed, included in, or referred to in
7 any paper filed with the Court, counsel responsible for such filing shall submit the
8 papers to the court along with a request to file under seal pursuant to Civil Local Rule
79-5;

9 WHEREAS, in paragraph 1 of the order, the Court defined “Confidential
10 Information” as “information that qualifies for protection under F.R.C.P. 26(c)”;

11 WHEREAS, an excerpt from Defendant’s Motion for Summary Judgment and
12 Memorandum in Support Thereof, and an exhibit attached to the supporting declaration of
13 Michael Weil reference private information about Mr. Halterman’s medical history;

14 WHEREAS, the parties agree that these excerpts may fall within this Court’s
15 definition of “Confidential Information” contained in the Order and that Mr. Halterman should be
16 protected from the embarrassment of having this information contained in the public record;

17 WHEREAS, with the exception of the requested excerpts, the parties intend that
18 “[a]ll other portions” of the Motion for Summary Judgment “be included in the public file” of this
19 Court, pursuant to Civil L.R. 79-5(b);

20 WHEREAS, the parties have limited the scope of this request to meet the
21 requirement of Civil L.R. 79-5(b) that it be “narrowly tailored to seal only that material for which
22 good cause to seal has been established” and that it “shall direct the sealing of only those
23 documents, pages, or, if practicable, those portions of documents or pages, which contain the
24 information requiring confidentiality”; and

25 WHEREAS, the concurrence in the filing of the document has been obtained from
26 Kathryn Dickson, Attorney for Plaintiff, David Halterman;

27 ///

28 ///

1 IT IS HEREBY STIPULATED by and between the parties to this action through
2 their designated counsel as follows:

3 1. In order to comply with the spirit of the Stipulated Protective Order, the parties
4 respectfully requests that footnote 5 on page 7 of Defendant's Motion for Summary Judgment and
5 Memorandum of Points and Authorities in Support of the Motion be filed under seal.

6 2. The parties further request that the Exhibit 150 of Exhibit B to the Declaration of
7 Michael D. Weil in Support of Defendant's Motion for Summary Judgment be filed under seal in
8 whole.

9 Dated: October 24, 2005

Respectfully submitted,

10 KATHRYN BURKETT DICKSON
11 DICKSON – ROSS LLP

12 DAVID ANGLE
13 ANGLE & ANGLE LLC

14 By _____
15 Kathryn Burkett Dickson
16 Attorneys for Plaintiff,
17 David Halterman

18 Dated: October 24, 2005

19 GARY R. SINISCALCO
20 LYNNE C. HERMLE
21 MICHAEL D. WEIL
22 ORRICK, HERRINGTON & SUTCLIFFE LLP

23 LEANNE FITZGERALD
24 EMC CORPORATION

25 By _____ /S/
26 Michael D. Weil
27 Attorneys for Defendant,
28 EMC Corporation.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/25/05



Hon. James Ware
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC
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EMC PERIPHERALS, INC., and DOES 1-X,

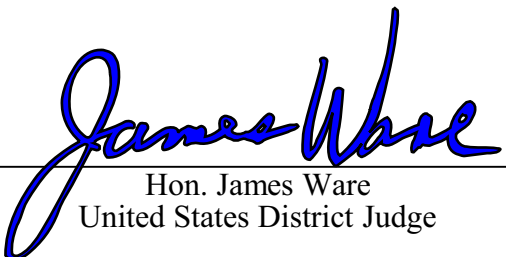
Defendants.

Case No. C 04-02660 JW

**STIPULATED ORDER TO FILE
UNDER SEAL EXCERPTS OF
DEFENDANT'S REPLY TO MOTION
TO COMPEL**

Pursuant to the stipulation of the parties, it is hereby ordered that the Stipulated Order to File Under Seal footnote 5 on page 7 of Defendant's Motion of Summary Judgment, and Memorandum in Support Thereof; and exhibit 150 of exhibit B to the supporting declaration of Michael Weil become the order of this Court.

Dated: 10/25/05


Hon. James Ware
United States District Judge